IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.12547 of 2008
JAGDISH SINGH & ORS
Versus
STATE OF BIHAR

Cr.Misc. No.15435 of 2008
KEDAR CHOUDHARY & ORS
Versus
THE STATE OF BIHAR
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2. 13.05.2008 Heard the learned Counsel for the petitioners and the learned counsel for the State.

The petitioners apprehend arrest in a Police case under Sections 323, 380, 452, 147 and 148 of the Penal Code.

Alleging false implication it is submitted that the family members of the complainant (sent for investigation under Section 156(3) Cr.P.C.) were accused in a murder case filed by the side of petitioners. In any event the allegations are of assault by slaps and with the but of gun. There is no allegation of firing. The final form was submitted with regard to the petitioners, they were not sent up for trial, differing with which cognizance has been taken.

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Having considered the facts and circumstances of the case, let the petitioners in Cr. Misc. No. 12547 of 2008 namely Jagdish Singh, Manoj Singh al;as Manoj Choudhary, Santosh Singh alias Santosh Choudhary, Awadesh Choudhary, Angad Choudhary and Kameshwar Choudhary alias Kameshwar Singh, surrender in the court below within a period of four weeks from today when they shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM

Kaimoor at Bhabua in Kuchhila PS Case No. 32 of 2004, subject to the conditions as laid down under Section 438(2) Cr.P.C.

In so far as Cr. Misc. No. 15435 of 2008 is concerned, considering that chargesheet was submitted under the bailable sections when cognizance has been taken under Section 452 and 380 of the Penal Code both triable by the Magistrate this Court is not persuaded to grant the privilege of anticipatory bail. Cr. Misc. No. 15435 of 2008 is rejected.

If the petitioners in Cr. Misc. No. 15435 of 2008 surre3nder and pray for regular bail the court below shall consider their application in the background of the chargesheet being submitted under the bailable sections of the Penal Code without being prejudiced by the present order.

Snkumar/-

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(Navin Sinha,J.)